

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOCAL 25 S.E.I.U. WELFARE FUND,)
LOCAL 25 S.E.I.U. & PARTICIPATING)
EMPLOYERS PENSION TRUST,)
))
Plaintiffs,)
))
v.) NO. 08 C 3115
))
MASTER BUILDING SERVICES, INC.,) Judge Holderman
an Illinois Corporation,)
))
) Mag. Judge Cole
Defendant.)

MOTION FOR DEFAULT JUDGMENT

NOW COME the Plaintiffs and move this Honorable Court to enter a default judgment on behalf of the Plaintiffs and against Defendant, MASTER BUILDING SERVICES, INC., an Illinois Corp., the grounds that the Defendant has failed to answer or otherwise defend to the Complaint of the Plaintiffs, a copy of which is attached hereto as Exhibit "A". Said Defendant was served on June 9, 2008, as more fully appears from the Affidavit of Service, a copy of which is attached hereto as Exhibit "B".

WHEREFORE, Plaintiffs request the following relief:

1. That default judgment be entered against the Defendant herein, MASTER BUILDING SERVICES, INC., an Illinois Corporation, and that the Complaint filed herein be taken as confessed.
2. That judgment be entered forthwith against the Defendant, and in favor of Plaintiffs for the period August 1, 2007, through March 31, 2008, in the amount of \$7,519.02.

3. That interest and/or liquidated damages be assessed against the Defendant as provided in the Collective Bargaining Agreement and the applicable provisions of the Pension Reform Act.

4. That the Defendant be ordered to comply with and perform according to the terms and conditions of its Collective Bargaining Agreement and the applicable provisions of ERISA as amended.

5. For such other and further relief as the Court may deem just and proper, including reasonable attorney's fees and court costs which are sustained.

/s/ Robert B. Greenberg
Asher, Gittler, Greenfield & D'Alba, Ltd.
200 West Jackson Boulevard
Suite 1900
Chicago, Illinois 60606
(312) 263-1500
IL ARDC#: 01047558

Dated: July 14, 2008

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOCAL 25 S.E.I.U. WELFARE FUND,)
LOCAL 25 S.E.I.U. & PARTICIPATING)
EMPLOYERS PENSION TRUST,)

Plaintiffs,)

v.)

MASTER BUILDING SERVICES, INC.,)
an Illinois Corporation,)

Defendant.)

FILED: MAY 30, 2008

NO. 08CV3115 RCC

JUDGE HOLDERMAN

MAGISTRATE JUDGE COLE

COMPLAINT

Plaintiffs, LOCAL 25 S.E.I.U. WELFARE FUND and LOCAL 25 S.E.I.U. & PARTICIPATING EMPLOYERS PENSION TRUST, by and through their Attorney, Robert B. Greenberg of Asher, Gittler, Greenfield & D'Alba, Ltd., complaining of Defendant, MASTER BUILDING SERVICES, INC., an Illinois Corporation, allege as follows:

1. This action is brought under the provisions of Sections 502(g)(2), (a)(3), of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C., Secs. 1132(g)(2), (a)(3), and 1145.

2. Jurisdiction in this Court is based upon Sections 502(e)(1) and 502(e)(2) of ERISA [29 U.S.C. Sec. 1132(e)(1) and (e)(2)], which states in relevant part:

Where an action under this subchapter is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found.

3. The LOCAL 25 S.E.I.U. WELFARE FUND and LOCAL 25 S.E.I.U. & PARTICIPATING EMPLOYERS PENSION TRUST ("Funds") receive contributions from numerous employers pursuant to collective bargaining agreements heretofore entered into between Service Employees International Union Local 1 ("Union"), including Defendant, and the Funds are maintained and administered in accordance with and pursuant to the provisions of Section 302(c)(5) of the National Labor Relations Act, as amended, ERISA and other applicable federal law and the Funds are administered pursuant to the terms and provisions of a certain Restated Agreement and Declaration of Trust ("Trust Agreement").

4. The Funds offices are located at 111 East Wacker, 25th Floor, Chicago, IL 60601, and the Funds are administered in the Northern District of Illinois.

5. As provided in the Trust Agreement, Plaintiffs are required to receive, hold and manage all monies required to be contributed to the Funds in accordance with the provisions of the then applicable Collective Bargaining Agreement for the uses and purposes set forth in the Trust Agreement.

6. Defendant is an employer engaged in an industry affecting commerce and maintains its principal place of business at 1010 Lake Street, Oak Park, Illinois 60301.

7. Defendant employs or has employed persons represented for collective bargaining purposes by the Union and agreed to be bound by the Collective Bargaining Agreement or agreements referred to herein, by the terms of which Defendant was required to contribute to the Funds.

8. Plaintiffs are advised and believe that Defendant has repeatedly failed to submit accurate contribution reports and the required payments thereon to the Funds pursuant to the terms of the Collective Bargaining Agreement by which it was bound, all

in violation of its contractual obligations and its obligations under applicable federal statutes.

9. As a result of the above-described omissions and breaches of agreement by Defendant, Plaintiffs may be required to (a) deny the employee beneficiaries for whom contributions have not been made the benefits provided under the benefit plan, thereby causing to such employee beneficiaries substantial and irreparable damage, or (b) to provide to employees of Defendant the benefits provided under the benefit plan, notwithstanding Defendant's failure to make the required contributions thereto, thereby reducing the corpus of such Funds and endangering the rights of the employee beneficiaries thereunder on whose behalf contributions are being made, all to their substantial and irreparable injury.

10. Plaintiffs, in their behalf, and on behalf of all employees for whose benefit the Funds were established, have requested Defendant to perform its obligations, but Defendant has refused and failed to perform as herein alleged.

11. Plaintiffs are without an adequate remedy at law and will suffer immediate, continuing and irreconcilable injury and damage unless Defendant is ordered to specifically perform all of its obligations required under the Collective Bargaining Agreement and the Trust Agreement, and is restrained from continuing to refuse to perform as thereunder required.

12. Defendant is delinquent to the Funds for the period August 1, 2007 through March 31, 2008, in the amount of \$7,519.02.

13. Defendant's failure to pay is a violation of the Collective Bargaining Agreement and the Trust Agreement. Plaintiffs, therefore, seek enforcement of these provisions pursuant to Section 502(g)(2), (a)(3) and 515 of the Employee Income Security Act

of 1947 ("ERISA"), 29 U.S.C., Sec. 1132(g)(2), (a)(3), and 1145.

WHEREFORE, Plaintiffs pray:

(a) That judgment enter in favor of Plaintiffs and against Defendant in the amount of SEVEN THOUSAND FIVE HUNDRED NINETEEN AND 02/100 DOLLARS (\$7,519.02), or such additional amount as may be found due and owing during the pendency of this action.

(b) That Plaintiffs be awarded their costs, including reasonable attorney's fees incurred in the prosecution of this action as provided in the Collective Bargaining Agreement and under the applicable provisions of ERISA, as amended.

(c) That interest and/or liquidated damages be assessed against Defendant as provided in the Collect Bargaining Agreement and the applicable provisions of ERISA, as amended.

(d) For such other and further relief as the Court may determine just and proper.

/s/ Robert B. Greenberg
Asher, Gittler, Greenfield & D'Alba, Ltd.
200 West Jackson Boulevard
Suite 1900
Chicago, Illinois 60606
(312) 263-1500
IL ARDC#: 01047558

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

LOCAL 25 S.E.I.U. WELFARE FUND,
LOCAL 25 S.E.I.U. & PARTICIPATING
EMPLOYERS PENSION TRUST,

SUMMONS IN A CIVIL CASE

Plaintiffs,

v.

MASTER BUILDING SERVICES, INC.,
an Illinois Corporation,

Defendant.

CASE NUMBER: 08CV3115 RCC
JUDGE HOLDERMAN
ASSIGNED JUDGE: MAGISTRATE JUDGE COLE
DESIGNATED
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

MASTER BUILDING SERVICES, INC. an Illinois Corp.
c/o: Halina Wikar, Registered Agent
7003 1/2 W. Higgins
Chicago, IL 60656

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

ROBERT B. GREENBERG, ESQ.
ASHER, GITTLER, GREENFIELD & D'ALBA, LTD.
200 West Jackson Boulevard
Suite 1900
Chicago, Illinois 60606
(312) 263-1500

an answer to the complaint which is herewith served upon you within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

M

(By) DEPUTY CLERK

(B)

May 30, 2008

Date



Exh "B"

ClientCaseID: ROBERT
Law Firm ID: ASHER



CaseReturnDate: 7/2/08

Affidavit of SPECIAL PROCESS SERVER

UNITED STATES DISTRICT COURT

Case Number **08CV3115**

I, R. MARSHALL GRADY

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

CORPORATE SERVICE

THAT I SERVED THE WITHIN **SUMMONS AND COMPLAINT**
ON THE WITHIN NAMED DEFENDANT **MASTER BUILDING SERVICES**
PERSON SERVED **AGATA PRZYBYLAK, ACCOUNTANT**
BY LEAVING A COPY OF EACH WITH THE SAID DEFENDANT ON **6/9/08**

THE SUBJECT STATED THAT SHE IS AUTHORIZED TO RECEIVE THE SERVICE OF PROCESS ON BEHALF OF THE REGISTERED AGENT.

That the sex, race and approximate age of the person whom I left the **SUMMONS AND COMPLAINT**
are as follow:

Sex FEMALE Race WHITE Age 40
Height 5' 4 Build HEAVY Hair BROWN

LOCATION OF SERVICE **7003 1/2 W HIGGINS**
CHICAGO, IL, 60656

Date Of Service **6/9/08**

Time of Service **10:32 AM**

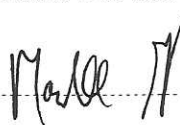

R. MARSHALL GRADY

6/9/2008

SPECIAL PROCESS SERVER

PERC# 0129-275752

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.



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EASTERN DIVISION

LOCAL 25 S.E.I.U. WELFARE FUND,)
LOCAL 25 S.E.I.U. & PARTICIPATING)
EMPLOYERS PENSION TRUST,)

Plaintiffs,)

v.)

MASTER BUILDING SERVICES, INC.,)
an Illinois Corporation,)

Defendant.)

NO. 08 C 3115

Judge Holderman

Mag. Judge Cole

A F F I D A V I T


ROBERT B. GREENBERG, attorney for Plaintiffs, LOCAL NO. 25 S.E.I.U. WELFARE FUND, LOCAL 25 S.E.I.U. & PARTICIPATING EMPLOYERS PENSION TRUST, on oath and duly sworn, states:

1. That I am an attorney licensed to practice in the State of Illinois for 44 years and a member of the Federal Bar.

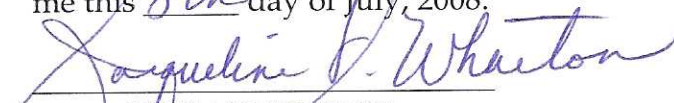
2. That I represent the Plaintiffs, LOCAL NO. 25 S.E.I.U. WELFARE FUND and LOCAL 25 S.E.I.U. & PARTICIPATING EMPLOYERS PENSION TRUST, and my billing rate to Plaintiff Fund is \$195.00 per hour.

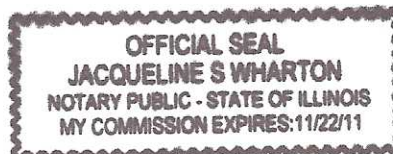
3. That I have billed my clients a total of \$1,170.00 for legal services in the matter of MASTER BUILDING SERVICES, INC., an Illinois Corporation.

4. That costs in the amount of \$405.00 for filing have been incurred by Plaintiffs.


ROBERT B. GREENBERG

Subscribed and Sworn to before
me this 8th day of July, 2008.


NOTARY PUBLIC



THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOCAL 25 S.E.I.U. WELFARE FUND,)	
LOCAL 25 S.E.I.U. & PARTICIPATING)	
EMPLOYERS PENSION TRUST,)	
)	
Plaintiffs,)	
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v.)	NO. 08 C 3115
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MASTER BUILDING SERVICES, INC.,)	Judge Holderman
an Illinois Corporation,)	
)	Mag. Judge Cole
Defendant.)	

AFFIDAVIT

JAMES McARDLE, on oath and duly sworn, states:

1. Affiant is the Administrator of Local 25 SEIU Welfare and Pension Funds.
2. Based upon an examination of Defendant's reports and records performed under my direction and control, Affiant finds the Defendant, MASTER BUILDING SERVICES, INC., an Illinois Corporation, to be delinquent in its contributions to the Plaintiff Funds for the period August 1, 2007 through March 31, 2008, in the amount of \$7,519.02, which amount includes shortages, liquidated damages and interest.


JAMES McARDLE

Subscribed and Sworn to before

me this 11th day of July, 2008.

